

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1712**

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**Introduced by Senator Migden**  
(Coauthor: Assembly Member Bass)

February 24, 2006

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An act to add Section 16124 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1712, as amended, Migden. Adoption of hard-to-place teens.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

This bill would require the *State* Department of Social Services to establish 3-year pilot projects in 3 counties, *including San Francisco and Los Angeles Counties*, and would provide funding to those counties, to provide postadoption services to ensure the successful adoption of hard-to-place foster children who are at least 11 years of age, but not yet 18 years of age, and who are members of sibling groups, *or have a mental, physical, emotional, or medical disability*. The bill would require participating counties to submit progress reports to the department, and would require the department to report to the Legislature ~~and the Governor~~ regarding the *effectiveness of the*

program. ~~The bill would also require the department to contract for an independent evaluation of the program.~~ *This bill would encourage the participating counties to create public-private partnerships with private adoption agencies to maximize success in improving permanency outcomes for older foster children, and would require the counties to provide matching funds for purposes of the pilot project, as specified.* The bill would appropriate the sum of \$4,000,000 to the department for these purposes. The bill would include a statement of legislative findings and declarations.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 ~~(a) A demonstration project is necessary to provide services~~  
4 ~~for children who are 11 to 18 years of age with special needs.~~  
5 ~~Special needs can mean, but is not limited to, being part of a~~  
6 ~~sibling group and having physical, mental, or behavioral health~~  
7 ~~problems.~~

8 ~~(b)~~  
9 (a) Older foster children are emancipating out of the system  
10 without ever being adopted into a family that loves, nurtures,  
11 protects, and guides them. Thousands of foster youth emancipate  
12 from the system without connections each year. This low  
13 adoption rate of older foster children, 11 to 18 years of age,  
14 constitutes a pressing need to provide support and incentives to  
15 promote and encourage the adoption of those children. Moreover  
16 each additional year of age at first placement in foster care  
17 correlates to a 12-percent drop in the odds of permanence being  
18 achieved for a child.

19 ~~(c)~~  
20 (b) Older foster youth are more likely to have many special  
21 needs. For many older foster children, cumulative experiences of  
22 exposure to drugs or alcohol prior to birth, subsequent child  
23 maltreatment, and numerous foster care placements combine and  
24 bring on intense mental health crisis or significant behavioral or  
25 learning problems. Mental health services are often necessary.  
26 This need can be mitigated by postadoption services.

1     ~~(d)~~

2     (c) Mental health experts recognize the significance and power  
3 of sibling relationships. Separating siblings in foster care or  
4 through adoption adds to their emotional burden. They have  
5 already had to cope with the separation and loss of their parents.  
6 When sibling ties are severed, the impact can last a lifetime. It is  
7 often difficult to find families willing to adopt children in sibling  
8 groups.

9     ~~(e)~~

10    (d) Youth who leave the foster care system are often ill  
11 prepared for what follows. About one-fourth of former foster  
12 youth will be incarcerated within the first two years after they  
13 leave the system. Approximately one-third of former foster  
14 youth will be on public assistance shortly after aging out of the  
15 system. It is estimated that 10 percent of the young women  
16 emancipating from foster care in California are parents, and  
17 existing services for teen mothers are woefully inadequate.  
18 Nearly a third of foster youth will become homeless at some time  
19 within the first year after they leave the system at 18 years of  
20 age.

21    ~~(f)~~

22    (e) Respite care for children with special needs is intended to  
23 give parents who adopt a foster youth a pause from the excessive  
24 stress of parenting. California does not provide respite care to  
25 families who have adopted children, whereas 19 other states do  
26 provide this respite care.

27    ~~(g)~~

28    (f) While most adoptions have positive outcomes for the  
29 children and their families, many adoptive families need  
30 supportive services at some point during or after the adoption.  
31 The State of California recognizes this need and shall conduct a  
32 demonstration project with the goal of increasing permanence for  
33 older foster youth by expanding and enhancing services to  
34 adoptive families of children with special needs.

35    SEC. 2. Section 16124 is added to the Welfare and  
36 Institutions Code, to read:

37    16124. (a) Upon the appropriation of funds by the  
38 Legislature for the purposes set forth in this section, the  
39 Department of Social Services shall establish three-year pilot  
40 projects in three counties, with the agreement of each county, to

1 provide postadoption services to ensure the successful adoptions  
2 of “hard-to-place” children in foster care who are at least 11  
3 years of age, but not yet 18 years of age, according to criteria  
4 developed by the department pursuant to this section. One county  
5 ~~shall be located in the northern region of the state, one county~~  
6 ~~shall be located in the southern region of the state, and one~~  
7 ~~county shall be located in the central region of the state. shall be~~  
8 *San Francisco County, one county shall be Los Angeles County,*  
9 *and one county shall be determined by the department.*

10 *(b) The intent of the pilot projects established under this*  
11 *section is to increase the number of successful finalized*  
12 *adoptions of hard-to-place foster children.*

13 ~~(b)~~

14 *(c) A county that elects to apply for funding pursuant to this*  
15 *section shall submit an application to the department, no later*  
16 *than a date selected by the department to ensure timely*  
17 *allocation of the funds. The department shall review the*  
18 ~~application~~ *applications received* and select the eligible counties  
19 in accordance with the provisions of this section. The department  
20 shall ensure that any county selected for the program enacts a  
21 program that includes, but is not limited to, the following:

22 ~~(1) Cash payments to the adoptive families of hard-to-place~~  
23 ~~children for behavioral health services and respite care.~~

24 ~~(2) Cash payments to adoptive families to ensure sibling group~~  
25 ~~unification.~~

26 ~~(3) Peer support for adoptive families.~~

27 ~~(4) Ongoing, consistent case management for these adoptive~~  
28 ~~families.~~

29 ~~(5) Adoption-sensitive mental health services.~~

30 ~~(6) Information and referral services for these adoptive~~  
31 ~~families.~~

32 *(1) Two cash assistance payments, up to \$2,000 each as*  
33 *necessary, to adoptive families of hard-to-place children. This*  
34 *cash assistance shall be paid to the adoptive family first at the*  
35 *time the adoption is finalized, and second at the end of the*  
36 *second year of permanency.*

37 *(2) Supportive services for the adoptive families participating*  
38 *in the pilot project, which may include, but need not be limited*  
39 *to, the following, as appropriate for each family:*

40 *(A) Peer support.*

1 (B) Case management for adoptive families.

2 (C) Adoption-sensitive behavioral health services.

3 (D) Information and referral services for these adoptive  
4 families.

5 (E) Respite care.

6 (3) Supportive services provided pursuant to paragraph (2)  
7 may be provided directly by the county, contracted for by the  
8 county, or provided through reimbursement to the family, as  
9 approved by the county.

10 (e)

11 (d) The amount of funding provided to each county shall be  
12 equal to that county's relative proportion of foster youth who are  
13 at least 11 years of age, but not yet 18 years of age, who are in  
14 sibling groups, ~~and who have been freed for~~ or have a mental,  
15 physical, emotional, or medical disability, and whose parental  
16 rights have been terminated and who have a case plan goal of  
17 adoption, as compared to the total number of foster youth  
18 meeting this description within the three pilot counties as a  
19 whole. Funds shall be allocated to the counties no later than June  
20 1, 2007, and shall be made available for expenditure as  
21 determined by the ~~department by the end of the 2008-09 fiscal~~  
22 ~~year.~~ department until the end of the 2009-10 fiscal year.

23 (e) The department shall work with counties to develop criteria  
24 and requirements for the pilot projects, including guidelines for  
25 the assistance payments and supportive services provided  
26 pursuant to subdivision (c), the number of families that may  
27 participate in the pilot project, given the available resources, and  
28 guidelines for data collection, as required by subdivision (g).

29 (d)

30 (f) The department shall work with the three pilot counties to  
31 develop and analyze data regarding the impacts of the projects,  
32 including, but not limited to, the extent to which adoptions of  
33 youth who are at least 11 years of age, but not yet 18 years of  
34 age, ~~and who are in sibling groups or have a mental, physical,~~  
35 emotional, or medical disability, increased as a result of the  
36 projects. In developing and analyzing the data, the department  
37 may consult with the Child Welfare Research Center at the  
38 University of California at Berkeley or other appropriate research  
39 organizations.

40 (e)

(g) Not later than July 1, \_\_\_\_\_ 2009, each participating county shall submit progress reports to the department assessing the effectiveness of that county in achieving stated goals, *in accordance with subdivision (b)*, that shall include, but need not be limited to, all of the following information:

(1) The number of children or families who were served by local projects funded under this program.

(2) The services that were provided *to children and families, as specified in subdivision (c)*.

(3) The cost of providing training to adoptive families in the care of eligible children.

(4) The cost of providing respite care services and the number of respite care hours each family received.

(5) The cost of delivering services for the program as a whole, for each local project, and for each child or family served.

(6) The number of adoptions that were finalized, *and the number of finalized adoptions that were disrupted*.

(7) Problems encountered in the design and operation of the grant program plan, including identification of any federal, state, or local statute or regulation that impedes program implementation.

(8) Family and child satisfaction.

(9) The increase, if any, in the number of adoptions of hard-to-place children.

~~(f) (1)~~

(h) The department shall submit a preliminary report by January 1, \_\_\_\_\_ 2010, and submit a final report to the Legislature ~~on that shall include an evaluation of~~ the effectiveness of the demonstration project by November 30, \_\_\_\_\_ 2010.

~~(2) The department shall submit to the Governor and the Legislature the results of the evaluation, and a summary of the reports submitted to the department. The department shall contract for an independent evaluation of the effectiveness of funds awarded under this chapter in assisting counties in implementing the program established pursuant to this section not later than January 1, \_\_\_\_.~~

~~(g)~~

(i) For purposes of this section, the term “hard-to-place” refers to a child who meets ~~both~~ *either* of the following criteria:

1 (1) He or she has a mental, physical, emotional, or medical  
2 disability that has been certified by a licensed professional who is  
3 competent to make that assessment and who is operating within  
4 the scope of his or her profession. This definition also includes a  
5 child who has a developmental disability as defined in  
6 subdivision (a) of Section 4512, including those determined to  
7 require out-of-home nonmedical care as described in Section  
8 11464.

9 (2) He or she is a member of a sibling group.

10 (j) *Adoption programs in participating counties shall be*  
11 *encouraged to create public-private partnerships with private*  
12 *adoption agencies to maximize their success in improving*  
13 *permanency outcomes for older foster children.*

14 (k) (1) *Each county shall provide matching funds in an*  
15 *amount equal to 25 percent of the total amount allocated to the*  
16 *county by the department for purposes of the pilot project.*

17 (2) *These funds shall supplement, not supplant, existing*  
18 *federal, state, and local funds, and shall be used only in*  
19 *accordance with the terms and conditions of the pilot project.*

20 (l) *Each pilot project shall be implemented upon the adoption*  
21 *of a resolution by the county board of supervisors.*

22 SEC. 3. The sum of four million dollars (\$4,000,000) is  
23 hereby appropriated from the General Fund for allocation to the  
24 Department of Social Services for the purposes set forth in  
25 Section 16124 of the Welfare and Institutions Code.